

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 27.52 of the Lincoln Municipal Code relating  
2 to Flood Regulations for the Existing Urban Area by amending Section 27.52.010 to add a reference  
3 to floodprone area; by amending Section 27.52.020 to add a definition for “floodprone area” and a  
4 definition for “Watershed Master Plan”; by amending Section 27.52.030 to prohibit development  
5 within the floodway, floodplain or floodprone areas as provided in the general standards and to  
6 provide that the floodway shall be the area as designated by the Federal Emergency Management  
7 Agency or by hydrologic and hydraulic studies approved by the City where this information is the  
8 best available information; by amending Section 27.52.040 to include floodprone areas; by  
9 amending Section 27.52.050 to include floodprone areas; and by repealing Sections 27.52.010,  
10 27.52.020, 27.52.030, 27.52.040 and 27.52.050 of the Lincoln Municipal Code as hitherto existing.

11 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

12 Section 1. That Section 27.52.010 of the Lincoln Municipal Code be amended to  
13 read as follows:

14 **27.52.010 Scope of Regulations.**

15 The regulations set forth in this chapter, or set forth elsewhere in this title when referred to  
16 in this chapter, are known as the Flood Regulations for Existing Urban Area. The regulations shall  
17 apply to all lands within the Existing Urban Area in the floodplain or floodprone area within the  
18 zoning jurisdiction of the City of Lincoln that are subject to a one percent or greater chance of flood-  
19 ing in any given year. The September 21, 2001 official Flood Insurance Rate Map (FIRM) and Flood  
20 Insurance Study (FIS) for Lancaster County, Nebraska and Incorporated Areas and any revisions  
21 thereto are hereby adopted by reference and declared to be a part of this Chapter. A copy of the  
22 FIRM and FIS are on file in the Department of Building and Safety.

1 The degree of flood protection required by this Chapter is considered reasonable for  
2 regulatory purposes and is based on engineering and scientific methods of study. Larger floods may  
3 occur on rare occasions or the flood height may be increased by man-made or natural causes, such  
4 as ice jams and bridge openings restricted by debris. Compliance with these regulations does not  
5 imply that lands outside a floodplain or floodprone areas or uses within such areas will be free from  
6 flooding or flood damage. This Chapter shall not create liability on the part of the City of Lincoln  
7 or any officer or employee thereof for any flood damages that may result from reliance on this  
8 Chapter or any administrative decision lawfully made thereunder.

9 Section 2. That Section 27.52.020 of the Lincoln Municipal Code be amended to  
10 read as follows:

11 **27.52.020 Definitions.**

12 For the purpose of this chapter, certain terms and words are hereby defined:

13 **100-Year Flood** shall mean the flood having a one percent chance of being equaled or  
14 exceeded in any given year.

15 **Base Flood** shall mean the flood having a one percent chance of being equaled or exceeded  
16 in any given year.

17 **Basement** shall mean any enclosed area having its floor below grade level on all sides.

18 **Development** shall mean any man-made change to improved or unimproved real estate,  
19 including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving,  
20 excavation or drilling operations, or storage of equipment or materials.

21 **Existing manufactured home park or subdivision** shall mean a manufactured home park  
22 or subdivision for which the construction of facilities for servicing the lots on which the  
23 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the  
24 construction of streets, and either final site grading or the pouring of concrete pads) is completed  
25 before the effective date of this ordinance.

26 **Existing Urban Area** shall mean those areas inside the corporate limits of the City of  
27 Lincoln. as well as those areas outside the corporate limits having a zoning designation other than  
28 AG Agriculture and AGR Agricultural Residential, on the effective date of this ordinance.

29 **Expansion to an existing manufactured home park or subdivision** shall mean the  
30 preparation of additional sites by the construction of facilities for serving the lots on which the

1 manufactured homes are to be affixed (including the installation of utilities, the construction of  
2 streets, and either final site grading or the pouring of concrete pads).

3 **FEMA** shall mean the Federal Emergency Management Agency.

4 **Flood Insurance Rate Map (FIRM)** shall mean the September 21, 2001 Flood Insurance  
5 Rate Map and any revisions thereto, on which FEMA has delineated both the areas of special flood  
6 hazards and the risk premium zones applicable to the community.

7 **Flood Insurance Study (FIS)** shall mean the Flood Insurance Study for Lancaster County,  
8 Nebraska and Incorporated Areas published by FEMA in conjunction with the FIRM and containing  
9 background data such as base flood discharges and water surface elevations used to prepare the  
10 FIRM.

11 **Floodplain** shall mean those lands which are subject to a one percent or greater chance of  
12 flooding in any given year, as shown on the Flood Insurance Rate Map issued by FEMA for  
13 Lancaster County, Nebraska and incorporated areas, as amended. Copies of the said maps shall be  
14 on file in the Department of Building and Safety.

15 **Floodprone area** shall mean those lands subject to a one percent or greater chance of  
16 flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City  
17 or other government agency, or other acceptable source as approved by the City where this is the  
18 best available information.

19 **Floodproofing** shall mean any combination of structural and nonstructural additions,  
20 changes, or adjustments to structures which reduce or eliminate flood damage to real estate or  
21 improved real property, water and sanitary facilities, structures and their contents.

22 **Floodway** shall mean the channel of a river or other watercourses and the adjacent land areas  
23 that must be reserved in order to discharge the base flood without cumulatively increasing the water  
24 surface elevation more than one foot.

25 **Historic structure** shall mean any structure that is: (a) listed individually in the National  
26 Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily  
27 determined by the Secretary of the Interior as meeting the requirements for individual listing on the  
28 National Register; (b) certified or preliminarily determined by the City of Lincoln, a Certified Local  
29 Government (CLG), in consultation with the Nebraska State Historic Preservation Officer (SHPO),  
30 as contributing to the historical significance of a locally or nationally designated historic district;

(c) individually designated as a Landmark by the City of Lincoln, a CLG, under the provisions of Chapter 27.57 of the Lincoln Municipal Code.

**Letter of Map Change (LOMC)** shall mean a determination document issued by FEMA that officially revises the FIRM based on updated information, whether improved data or topography changes created by fill placement. Includes Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-f).

**Lowest floor** shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles or building access, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured home** shall mean, for purposes of this chapter, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" shall not include a "recreational vehicle."

**Manufactured home park or subdivision** shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NAVD** shall mean the North American Vertical Datum of 1988.

**New construction** shall mean structures for which the start of construction commenced on or after the effective date of this ordinance and shall include any subsequent improvements to such structures.

**New manufactured home park or subdivision** shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

**Non-substantial improvement** shall mean any improvement that does not meet the definition of substantial improvement, as defined in this section.

**Qualified engineer** shall mean a registered professional engineer who, by reason of training and experience, is considered knowledgeable in hydrology and hydraulics and their application to

1 the flood insurance study and has demonstrated competence to the satisfaction of the Director of  
2 Building and Safety.

3 **Recreational vehicle** shall mean a vehicle which is:

- 4 (1) built on a single chassis;
- 5 (2) 400 square feet or less when measured at the largest horizontal projections;
- 6 (3) designed to be self-propelled or permanently towable by a light duty truck;

7 and

8 (4) designed primarily not for use as a permanent dwelling but as temporary  
9 living quarters for recreational, camping, travel, or seasonal use.

10 **Riverine** shall mean relating to, formed by, or resembling a river (including tributaries,  
11 streams, brooks, etc.).

12 **Special Flood Hazard Area** shall mean the land in the floodplain subject to a one percent  
13 or greater chance of flooding in any given year.

14 **Start of construction** shall mean either the first placement of permanent construction of a  
15 structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction  
16 of columns, or any work beyond the stage of excavation, or the placement of a manufactured home  
17 on a foundation. Permanent construction does not include land preparation, such as clearing,  
18 grading, and filling; nor does it include the installation of streets and/or walkways; nor does it  
19 include excavation for a basement, footings, piers or foundations or the erection of temporary forms;  
20 nor does it include the installation on the property of accessory buildings, such as garages or sheds  
21 not occupied as dwelling units or not as part of the main structure. For a substantial improvement,  
22 the actual start of construction shall mean the first alteration of any wall, ceiling, floor, or other  
23 structural part of a building, whether or not that alteration affects the external dimension of the  
24 building.

25 **Structure** shall mean, for floodplain management purposes, a walled and roofed building,  
26 including a gas or liquid storage tank, that is principally above ground, as well as a manufactured  
27 home.

28 **Substantial damage** shall mean damage of any origin sustained by a structure whereby the  
29 cost of restoring the structure to its before damaged condition would equal to or exceed fifty percent  
30 of the market value of the structure before the damage occurred.

1           **Substantial improvement** shall mean any reconstruction, rehabilitation, addition, or other  
2 improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of  
3 the structure before the start of construction of the improvement. Substantial improvement shall  
4 include structures which have incurred substantial damage, regardless of the actual repair work  
5 performed. The term shall not, however, include either (i) any project for improvement of a structure  
6 to correct existing violations of state or local health, sanitary, or safety code specifications which  
7 have been identified by the local code enforcement official and which are the minimum necessary  
8 to assure safe living conditions, or (ii) any alteration of a historic structure, provided that the  
9 alteration will not preclude the structure's continued designation of a historic structure.

10           **Variance** shall mean a grant of relief from the terms of a floodplain management regulation,  
11 this shall be done by Special Permit in accordance with Section 27.52.060 of this chapter.

12           **Violation** shall mean the failure of a structure or other development to be fully compliant  
13 with the floodplain management regulations as set forth in this chapter. A structure or other  
14 development without the elevation certificate, other certifications, or other evidence of compliance  
15 as required is presumed to be in violation until such time as that documentation is provided.

16           **Watershed Master Plan** shall mean a plan generated by the City or by the City in  
17 cooperation with other agencies, which includes hydrologic and hydraulic modeling for the 100-year  
18 event, including 100-year floodplain elevation and limits.

19           Section 3. That Section 27.52.030 of the Lincoln Municipal Code be amended to  
20 read as follows:

21           **27.52.030     Standards.**

22           The following shall be the standards to be followed in connection with the Flood Regulations  
23 for the Existing Urban Area:

24           (a)     General Standards:

25           (1)     No development or substantial improvement shall be permitted within the  
26 floodway as designated by the Federal Emergency Management Agency (FEMA) or as determined  
27 by hydrologic and hydraulic studies completed by the City or other government agency, or other  
28 acceptable source as approved by the City, unless the applicant has demonstrated that the proposed  
29 development or substantial improvement is in conformance with the provisions of Section  
30 27.52.030(h) below.

1           (1 2) ~~Until~~ In those areas where a floodway has not been designated, no  
2 development or substantial improvement may be permitted within the floodplain or floodprone area  
3 unless the applicant has demonstrated that the proposed development or substantial improvement,  
4 when combined with all other existing and reasonably anticipated developments or substantial  
5 improvements, will not increase the water surface elevation of the 100-year flood more than one foot  
6 at any location.

7           An exception to the above shall be permitted provided the applicant has acquired by  
8 land rights purchase, flowage easement, or other legal arrangement the right to increase the flood  
9 levels on all affected lands greater than one foot (1.0'), and provided that before any permit is issued  
10 the applicant submits a ~~Federal Emergency Management Agency (FEMA)~~ approved Conditional  
11 Letter of Map Revision to the Director of Building and Safety. When such encroachment is  
12 completed, a FEMA approved Letter of Map Revision must also be provided by the applicant.

13           (2 3) Roadway bridges, and other drainage facilities, may have their superstructure  
14 submerged or partially submerged below the base flood level, provided that the facility has been  
15 designed to resist the hydrostatic and hydrodynamic loads as well as the effects of the buoyancy as  
16 certified by a registered professional engineer.

17           (3 4) Within the floodplain or floodprone area, all new construction and substantial  
18 improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure  
19 resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy; constructed  
20 with materials and utility equipment resistant to flood damage; and constructed by methods and  
21 practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air-  
22 conditioning equipment and other service facilities shall be elevated at least one foot above the base  
23 flood elevation or designed so as to prevent water from entering or accumulating within the compo-  
24 nents during conditions of flooding. A registered professional engineer or architect shall certify that  
25 these provisions are satisfied.

26           (4 5) The location, grade, and floodproofing of all new and replacement water and  
27 sanitary sewer systems which are to be extended into or through any portion of the floodplain or  
28 floodprone area to serve the proposed development shall first be approved by the city prior to the  
29 extension of such utilities into the floodplain.

1           (5 6) New or replacement water supply systems and sanitary sewage systems shall  
2 be designed to minimize or eliminate infiltration of flood waters into said systems and discharges  
3 from said systems into flood waters. Individual disposal systems shall be designed in accordance  
4 with the standards set forth in Chapter 24.38 of the Lincoln Municipal Code in order to minimize  
5 impairment to them or contamination from them during flooding.

6           (6 7) On-site waste disposal systems shall be located to avoid impairment to the  
7 system or contamination from such systems during flooding.

8           (7 8) The storage or processing of materials that are in time of flooding buoyant,  
9 flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

10           (8 9) Storage of other material or equipment may be allowed if not subject to major  
11 damage by floods and firmly anchored to prevent flotation or if readily removable from the area  
12 within the time available after the issuance of flood warning by appropriate authorities.

13           (9 10) Filling, grading, and excavation may be allowed in the floodplain or  
14 floodprone area under the following conditions:

15                   (i) Fill shall be protected against erosion and sediment by such measures as  
16 rip-rap, vegetative cover, bulkheading, or sedimentation basins as approved by the Director of  
17 Building and Safety.

18                   (ii) Any fill to be deposited in the floodplain or floodprone area must be  
19 shown by the applicant not to be a detriment to the general public as well as the surrounding land  
20 owners.

21                   (iii) Fill materials shall be of a selected type, preferably clean dirt, gravel,  
22 or rock no greater than two inches in diameter. The use of decomposing materials, such as wood  
23 and other degradables, shall be prohibited. Fill shall be placed in six inch compacted layers. Fill  
24 selection and placement shall recognize the effects of saturation from flood waters on slope stability,  
25 uniform and differential settlement, and scour potentials.

26                   (iv) Prior to placement of any fill or embankment materials, the land upon  
27 which fill is to be placed shall be cleared of debris, snags, stumps, brush, down timber, logs, and  
28 other objects. All materials and debris from this clearing shall be removed from the proposed fill  
29 and disposed of at approved locations outside the floodplain or floodprone area.



1 (v) Fill slopes for granular materials shall be no steeper than one vertical  
2 on two horizontal unless substantiating data justifying steeper slopes are submitted to the Director  
3 of Building and Safety and approved.

4 (vi) Excavation in the floodplain or floodprone area shall be done so that  
5 the land surface is maintained in such a manner that surface waters do not collect and pond unless  
6 specifically approved by the Director of Building and Safety.

7 (b) Residential Construction. All new construction and substantial improvements of  
8 residential structures within the floodplain or floodprone area shall have the lowest floor, including  
9 basement, elevated at least one foot above the base flood level. Garages and storage buildings used  
10 exclusively for the storage of motor vehicles, and storage of other items readily removable in the  
11 event of a flood warning may have their lowest floor below flood elevation, provided the building  
12 structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the 100-year  
13 flood and, further, provided that no utilities are installed in the building except elevated or  
14 floodproofed electrical fixtures. If the building is converted to another use, it must be brought into  
15 full compliance with the requirements of this title governing such uses.

16 (c) Nonresidential Construction. All new construction and substantial improvements of  
17 commercial, industrial, and other nonresidential structures within the floodplain or floodprone area  
18 shall either have the lowest floor, including basement, elevated at least one foot above the base flood  
19 level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base  
20 flood level plus one foot the structure is watertight in accordance with the performance standards  
21 set forth in the city's building code. A registered professional engineer or architect shall develop or  
22 review structural design, specifications, and plans for the construction, and shall certify that the  
23 design and methods of construction meet the watertight performance standards. The certification  
24 shall be provided to the city as set forth in Section 27.52.040 of this chapter.

25 (d) For all new construction and substantial improvements, fully enclosed areas below  
26 the lowest floor that are usable solely for parking of vehicles, building access or storage in an area  
27 other than a basement and which are subject to flooding shall be designed to automatically equalize  
28 hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs  
29 for meeting this requirement must either be certified by a registered professional engineer or  
30 architect or must meet or exceed the following minimum criteria:

1 (1) A minimum of two openings having a total net area of not less than one  
2 square inch for every square foot of enclosed area subject to flooding shall be provided;

3 (2) The bottom of all openings shall be no higher than one foot above grade; and

4 (3) Openings may be equipped with screens, louvers, or other coverings or  
5 devices; provided, that they permit the automatic entry and exit of floodwaters.

6 (e) Manufactured Home Parks and Subdivisions. All manufactured homes shall be  
7 located in a manufactured home park or a manufactured home subdivision in accordance with  
8 Sections 27.63.120 and 27.63.125 of this title. No manufactured home shall be located in a  
9 manufactured home park or subdivision within the floodplain or floodprone area unless the  
10 following conditions are met:

11 (1) New manufactured home parks and subdivisions; expansions; substantial  
12 damage. Manufactured homes placed (i) on individual lots within or outside of new manufactured  
13 home parks or subdivisions, (ii) on individual lots within an expanded area of an existing  
14 manufactured home park or subdivision, or (iii) in an existing manufactured home park or  
15 subdivision in which a manufactured home has incurred substantial damage as the result of a flood,  
16 shall be elevated on a permanent foundation such that their lowest floor is at least one foot above  
17 the base flood elevation and be securely anchored to an adequately anchored foundation system in  
18 accordance with the standards to resist floatation, collapse, and lateral movement set forth in  
19 subsection (f) below;

20 (2) Existing manufactured home parks and subdivisions. Manufactured homes  
21 to be placed or substantially improved on individual lots in existing manufactured home parks or  
22 subdivisions, shall either (i) be elevated on a permanent foundation such that their lowest floor is  
23 at least one foot above the base flood elevation or (ii) be supported by reinforced piers or other  
24 foundation elements of at least equivalent strength that are no less than three feet in height above  
25 grade and be securely anchored to an adequately anchored foundation system in accordance with  
26 the standards to resist floatation, collapse, and lateral movement set forth in subsection (f) below.

27 If the option provided by (ii) above is exercised, the current owner and  
28 occupant, and any future buyer, renter, or occupier shall jointly acknowledge in writing that the  
29 option of piers as an alternative to placement of the manufactured home one foot above the base  
30 flood elevation has been exercised and, therefore, may be subject to flooding. Such

acknowledgment shall be filed with the Director of Building and Safety prior to the issuance of hook-up permits to the subject home.

(3) Adequate surface drainage and access for a hauler are provided;

(4) Where manufactured homes are elevated on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level; and

(5) The grade of land for manufactured home parks or subdivisions which are situated within the floodplain or floodprone area shall be raised at least one foot above the base flood elevation.

(f) **Manufactured Homes Located Outside of a Manufactured Home Park or Subdivision.** Manufactured homes located outside of a manufactured home park or subdivision shall be elevated at least one foot above the base flood elevation or anchored to the elevated foundation to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top and frame ties to ground anchors;

(1) If over-the-top ties are used, such ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations except that manufactured homes less than fifty feet in length may provide only one additional tie per side;

(2) Frame ties shall be provided at each corner of the manufactured home with five additional ties per side at intermediate points except that manufactured homes less than fifty feet in length may provide only four additional ties per side;

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the manufactured home shall be similarly anchored.

(g) **Recreational Vehicles:**

(1) Shall be on the site for fewer than 180 consecutive days;

(2) Shall be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(3) Meet the requirements for manufactured homes.

(h) **Floodways.**

1 (1) Encroachments into the floodway are prohibited, including fill, new  
2 construction, substantial improvements, and other development within the floodway unless  
3 certification by a qualified engineer is provided, demonstrating that the proposed encroachment will  
4 not result in any increase in flood levels during occurrence of the base flood discharge.

5 An exception to the above shall be permitted provided the applicant has  
6 acquired by land rights purchase, flowage easement, or other legal arrangement the right to increase  
7 the flood levels on all affected lands, and provided that before any permit is issued the applicant  
8 submits a Federal Emergency Management Agency (FEMA) approved Conditional Letter of Map  
9 Revision to the Director of Building and Safety. When such encroachment is completed, a FEMA  
10 approved Letter of Map Revision must also be provided by the applicant.

11 (2) If the above provision is satisfied, all new construction and substantial  
12 improvements shall comply with all other applicable provisions contained in Section 27.52.030.

13 (3) The placement of any manufactured home parks and manufactured home sub-  
14 divisions and the construction of new structures for human habitation within the floodway is  
15 prohibited.

16 (i) AO Zones. Designated AO zones within the floodplain have special flood hazards  
17 associated with base flood depths of one to three feet where a clearly defined channel does not exist  
18 and where the path of flooding is unpredictable and indeterminate; therefore, the following  
19 provisions apply within AO zones:

20 (1) All new construction and substantial improvements of residential structures  
21 shall have the lowest floor (including basement) elevated above the highest adjacent grade at least  
22 as high as one foot above the depth number specified in feet on the FIRM (at least two feet if no  
23 depth number is specified).

24 (2) All new construction and substantial improvements of non-residential  
25 structures shall:

26 (i) Have the lowest floor elevated above the highest adjacent grade at least  
27 as high as one foot above the depth number specified in feet on the community's FIRM (at least two  
28 feet if no depth number is specified), or

29 (ii) Together with attendant utility and sanitary facilities be completely  
30 floodproofed to or above that level so that any space below that level is watertight with walls

1 substantially impermeable to the passage of water and with structural components having the  
2 capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such  
3 certification shall be provided to the official as set forth in Section 27.52.040(d).

4 (3) Adequate drainage paths around structures on slopes shall be required in order  
5 to guide floodwaters around and away from proposed structures.

6 Section 4. That Section 27.52.040 of the Lincoln Municipal Code be amended to  
7 read as follows:

8 **27.52.040 Administration.**

9 A development permit shall be required in conformance with the provisions of this chapter.  
10 All new construction of residential and nonresidential structures or other development, including  
11 the placement of manufactured homes, within the floodplain or floodprone area shall hereafter be  
12 in full compliance with the terms of this chapter and other applicable regulations. All existing  
13 residential and nonresidential structures that are not in compliance with the terms of this chapter  
14 shall be required to conform to these terms before substantial improvements can be made. It shall  
15 be the duty of the Director of Building and Safety to enforce this chapter. His duties shall include,  
16 but not be limited to:

17 (a) Review all development permits to assure that the permit requirements for this  
18 chapter have been satisfied;

19 (b) Review proposed development to assure that all necessary permits have been  
20 obtained from those agencies from which prior approval is required by federal, state or local law,  
21 including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.  
22 1334;

23 (c) Notify affected adjacent communities and the Nebraska Department of Natural  
24 Resources in riverine situations prior to any alteration or relocation of a watercourse, and submit  
25 copies of such notifications to FEMA, and assure that the flood-carrying capacity within the altered  
26 or relocated portion of any watercourse is maintained;

27 (d) Require a registered professional engineer or registered professional land surveyor  
28 to verify the actual elevation in NAVD 1988 of the lowest floor, including basement, of all new or  
29 substantially improved structures and to which the new or substantially improved structures have  
30 been floodproofed. The certification of the lowest floor shall be submitted to the Director of

1 Building and Safety at the point of construction when the lowest floor elevation may be established  
2 and prior to the erection of the walls of any buildings. Such information shall be recorded and  
3 maintained by the Director of Building and Safety;

4 (e) Where floodproofing is utilized for a particular structure, obtain certification from  
5 a registered professional engineer or architect that the floodproofing methods are adequate in  
6 accordance with appropriate provisions of the city's building code;

7 (f) Where interpretation is needed as to the exact location of boundaries of the floodplain  
8 or floodprone area; for example, where there appears to be a conflict between a mapped boundary  
9 and actual field conditions, obtain the necessary interpretation from appropriate city engineering  
10 staff of the Department of Public Works and Utilities;

11 (g) In Zone A (no base flood elevations determined), require that proposed develop-  
12 ments (including proposals for manufactured home parks and subdivisions) greater than either five  
13 acres or fifty lots include within such proposals detailed base flood elevation data based on an  
14 engineering study performed by a qualified engineer in accordance with FEMA approved methods  
15 for generating detailed base flood elevations. This provision shall not apply where the use of the  
16 property is not being changed and where there are no physical changes on the site which have the  
17 potential to increase the flood hazard.

18 (h) When base flood elevation data have not been provided on the FEMA Flood  
19 Insurance Rate Map, through the provisions in Section 27.52.040(g) above, or in other studies  
20 already completed or accepted by the City, obtain, review, and reasonably utilize any base flood  
21 elevation and floodway data available from a federal, state, or other source, as criteria for requiring  
22 that new construction, substantial improvements, or other developments in the floodplain or  
23 floodprone area meet the standards of this chapter.

24 Section 5. That Section 27.52.050 of the Lincoln Municipal Code be amended to  
25 read as follows:

26 **27.52.050 Permit Procedures.**

27 Application for a development permit shall be made to the Director of Building and Safety  
28 on forms furnished by him and may include, but not be limited to, the plans drawn to scale showing  
29 the nature, location, dimensions, and elevations of the area in question, existing or proposed

1 structures, fill, storage of materials, drainage facilities, and the location of the foregoing.  
2 Specifically, the following information is required:

3 (a) Base flood elevation in NAVD 1988 datum. When utilizing National Geodetic  
4 Vertical Datum of 1929 (NGVD 1929) base flood elevations from FEMA floodplain maps, 0.50 feet  
5 shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor  
6 using an established conversion program is demonstrated to the satisfaction of the Director of  
7 Building and Safety.

8 (b) Elevation of the lowest floor, including basement, of all structures. All elevations  
9 shall be submitted in NAVD 1988.

10 (c) Elevation to which any nonresidential structure has been floodproofed. All elevations  
11 shall be submitted in NAVD 1988.

12 (d) Documentation and certification from a registered professional engineer or architect  
13 that the nonresidential floodproofed structure meets the floodproofing specifications set forth in the  
14 city's building code.

15 (e) Documentation and certification from a registered professional engineer that if the  
16 development is in the floodway, that the development will cause no rise in the 100-year flood  
17 elevation.

18 (f) Description of the extent to which any watercourse will be altered or relocated as a  
19 result of proposed development.

20 (g) Limits of floodway and floodplain or floodprone area.

21 (h) If the permit is for fill or the development of multiple structures, the following  
22 additional information is required to be shown on a grading and drainage plan:

23 (1) A grading plan showing existing and proposed grades, location of channel and  
24 hydraulic cross-sections and profiles, with elevations in NAVD 1988 datum.

25 (2) Hydrologic and hydraulic summary report.

26 (3) The type and extent of the proposed use or development of the land which is  
27 located within the floodplain or floodprone area, along with such information as is necessary to  
28 determine the effect flood waters will have on such development and use and the effect such  
29 development and use may have upon the flood waters. All such information shall show the location  
30 of the proposed use, areas of habitation and employment, including the location, size, and floor

1 elevation of any structures, the location and elevation of all parking areas, and the use, location, and  
2 elevations of all open land areas.

3 (4) The amount of fill material brought into the floodplain or floodprone area  
4 from outside the floodplain or floodprone area.

5 Section 6. That Sections 27.52.010, 27.52.020, 27.52.030, 27.52.040, and 27.52.050  
6 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

7 Section 7. That this ordinance shall take effect and be in force from and after its  
8 passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005:

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Mayor